

# Notice of Allowability

Application No.

09/924,832

Examiner

Daniel K Schlak

Applicant(s)

TOGASHI, TOSHIFUMI

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 3/25/04.
2. ☒ The allowed claim(s) is/are 1-64.
3. ☒ The drawings filed on 10 December 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The subject matter added to the independent claims in the most recent correspondence defines the claims over the cited art; including

- a) the references used in rejection,
- b) the references mentioned, in previous correspondence, as being potential rejections of the claims but which weren't used in rejection for brevity's sake,
- c) the references found in an updated search performed by the Examiner, and
- d) the references recently submitted in an Information Disclosure Statement.

The manner in which the claims define over each references is listed below, each preceded by the reference under discussion.

US 6,565,078 teaches that a gap (49) exists between narrow raised edge (48) and the feeding roller. Evidence of this can be found in column 4 where, in lines 41-45, the gap is called an "entrance section" and is described as having a height. In other words, the raised edge's surface does not contact the roller.

US 2004/0065993, 2003/0155702, and 2003/0085508 were filed subsequent to the filing date of the instant application.

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Each of US 6,575,452 and US 6,554,272 has a raised portion with an edge that contacts the roller but it is by no means "narrow". This is evidenced by its obtuse angle.

US 6,585,250: the contact face (404) which contacts the roller is not "narrow" by the any definition available to the Examiner of the word "narrow". The tilt member (408, 406) may be narrow, but the edge surface is not narrow, being formed by a 90-degree angle, and, consequently, isn't really "raised" from anything other than itself. In other depictions in the reference, the angle appears to be nearer to 85-degrees. This, still, does not define any "narrow" portion. Examiner emphasizes that the claims recite the "edge" as narrow, and not the member itself from which the edge is raised.

Likewise, the raised edge of US 6,540,221 which contacts the roller is not narrow. It, too, is defined by a 90-degree angle.

In US 5,573,338, the edge (P) that is narrow and contacts the roller is not "raised" from anything.

In US 4,815,724, the narrow raised edge surface is not disclosed as contacting the roller.

In US 5,104,113, the narrow raised edge surface is not disclosed as contacting the roller.

In US 5,975,518, the narrow raised edge surface which contacts the roller is not part of the tilt member that has the tilt face, and the raised edge is not "adjacent to an end" of said tilt face while being part of the tilt member. In other words, the tilt face and the contact face having the raised edge are not part of the same tilt member.

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In US 5,584,475, the narrow raised edge surface is not disclosed as contacting the roller.

The Examiner believes that the claims, as they presently appear, adequately define the shape of the tilt member, and which parts of it contact the roller during normal operation, to define over all cited references.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel K Schlak whose telephone number is 703-305-0885. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on 703-306 - 4173. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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